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Patent Docket P2533C1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of David Botstein et al. Patent No.: 6,472,585 Confirmation No. 5740 U.S. Ser. No. 09/648,183 Issued: October 29, 2002 For: CARDIOTROPHIN-1 DEFECTIVE MOUSE	Examiner: WEHBE, Anne Marie Sabrina
	EXPRESS MAIL LABEL NO.: EL 809 447 614 U DATE OF DEPOSIT: <u>January 22</u> , 2003

TECH CENTER 1600/2900

FEB 03 2003

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PETITION TO CORRECT INVENTORSHIP UNDER 37 C.F.R. §1.324(a)

RECEIVED

Assistant Commissioner of Patents
Washington, D.C. 20231

JAN 29 2003

OFFICE OF PETITIONS

Sir:

In accordance with the provisions of 37 CFR §1.324(a), and due to an error on the part of the U.S. Patent and Trademark Office, applicants petition the Commissioner to issue a certificate naming only the actual inventors in the above-identified patent. Applicants respectfully submit that, due to an error by the U.S. Patent and Trademark Office and through no fault of applicants, a Request to Correct Inventorship under 37 CFR § 1.48(b) submitted August 7, 2002 (copy and postcard enclosed) was not made of record in the instant application. As a result, the issued patent lists more than the actual inventors causing applicants to petition for correction under 37 CFR §1.324(a).

The contributions of David Botstein, Audrey Goddard, David A. Lawrence and Margaret Ann Roy are not claimed in the patent as it was amended during prosecution. As a result, this Petition proposes to change the inventorship of the above-identified patent to delete David Botstein, Audrey Goddard, David A. Lawrence and Margaret Ann Roy as co-inventors.

The correct and actual inventors of the amended patent are: Diane Pennica and William I. Wood.

This Petition to Correct Inventorship is accompanied by Statements from the currently named inventors under 37 CFR §1.324(b)(2). These Statements establish that the maintaining of

David Botstein, Audrey Goddard, David A. Lawrence and Margaret Ann Roy's names on the

01/28/2003 AWONDAF1 00000007 070630 09648183

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#125960

patent was made through error that arose without any deceptive intention on the part of David Botstein, Audrey Goddard, David A. Lawrence and Margaret Ann Roy.

This Petition is also accompanied by a Consent of Assignee under 37 CFR § 1.324(b)(3).

Applicants' Request to Correct Inventorship under 37 CFR § 1.48(b), submitted August 7, 2002, appears not to have been made of record. If, despite the failure to process the Request, \$130.00 in fees were deducted under 37 CFR § 1.17(i), Applicants hereby petition the Commissioner to credit Deposit Account No. 07-0630 for such fees.

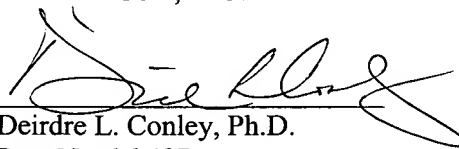
The Commissioner is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$130.00 to cover the petition fee required under 37 CFR § 1.324(a) as set forth in 37 CFR § 1.20(b), and to charge the deposit account for any fee deficiency. A duplicate copy of this Petition is enclosed for this purpose.

Respectfully submitted,

GENENTECH, INC.

Date: January 14, 2003

By:



Deirdre L. Conley, Ph.D.

Reg. No. 36,487

Telephone No. (650) 225-2066



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PATENT TRADEMARK OFFICE

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OFFICE OF PETITIONS

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JAN 29 2003

OFFICE OF PETITIONS

In re Application of: David Botstein et al.

Serial No.: 09/648,183

Filed On: 25 August 2000

Mailed On: August 7, 2002

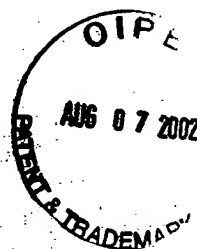
Docket No.: P253301

By: Deirdre L. Conley

Reg. No.: 36,487

The following has been received in the U.S. Patent Office on the date stamped:

- ☒ Request to Correct Inventorship (dup)
- ☒ Amendment Under 37 CFR § 1.442 *1.382 + 2 pages enclosures.*
- ☒ Transmittal of New Drawings
- ☒ Drawings: 13 Sheets
- ☒ Informal ☒ Formal
- ☒ Issue Fee Transmittal Form (dup)
- ☒ Certificate of Mailing
- ☒ Fees: \$ 1280 & \$130



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Patent Docket P2533C1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Diane Pennica et al. Serial No.: 09/648,183 Filed: 25 August 2000 For: CARDIOTROPHIN-1 DEFECTIVE MOUSE (AS AMENDED)	Group Art Unit: 1632 Examiner: E. Sorbello Express Mail Label No.: <u>EV 016 026 592 US</u> Date of Deposit: <u>August 7, 2002</u>
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REQUEST TO CORRECT INVENTORSHIP UNDER 37 C.F.R. §1.48(b)

RECEIVED

Assistant Commissioner of Patents
Washington, D.C. 20231

JAN 29 2003

OFFICE OF PETITIONS

Sir:

This Request to correct inventorship is being made pursuant to 37 CFR §1.48(b).

Deletion of the following originally named inventors: David Botstein, Audrey Goddard, David A. Lawrence and Margaret Ann Roy, is hereby requested. The above named inventors' invention is no longer being claimed in the application as amended.

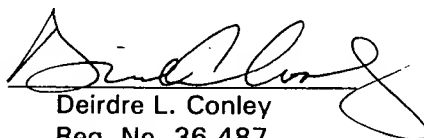
The correct inventors of the amended application are: Diane Pennica and William I. Wood.

The Commissioner is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$130.00 to cover the processing fees for this request as set forth in 37 CFR 1.17(i), and to charge the deposit account for any further fees in regard to this patent application. A duplicate copy of this Request is enclosed for this purpose.

Respectfully submitted,
GENENTECH, INC.

Date: August 7, 2002

By:


Deirdre L. Conley
Reg. No. 36,487
Telephone No. (650) 225-2066



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Patent Docket P2533C1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of David Botstein Patent No.: 6,472,585 Confirmation No. 5740 U.S. Ser. No. 09/648,183 Issued: October 29, 2002 For: CARDIOTROPHIN-1 DEFECTIVE MOUSE	Examiner: Eleanor Sorbello EXPRESS MAIL LABEL NO.: EL 809 447 614 US DATE OF DEPOSIT: <u>January 22</u> , 2003
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CONSENT BY ASSIGNEE TO CORRECT INVENTORSHIP
UNDER 37 C.F.R. § 1.324(b)(3)

Assistant Commissioner of Patents
Washington, D.C. 20231

RECEIVED

JAN 29 2003

OFFICE OF PETITIONS

Sir:

The assignee of record, Genentech, Inc., which is also the assignee of the parties submitting a Statement under 37 C.F.R. 1.324(b)(2), hereby consents to the change of inventorship in the above patent.

Respectfully submitted,
GENENTECH, INC.

Date: 1/21/2003

By: Sean Johnston *dlc*
Sean Johnston
Vice President - Intellectual Property
Telephone No. (650) 225-3562



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STATEMENT IN SUPPORT OF PETITION
TO CORRECT INVENTORSHIP IN PATENT UNDER 37 C.F.R. § 1.324(b)(2)

RECEIVED

Assistant Commissioner of Patents
Washington, D.C. 20231

JAN 29 2003

OFFICE OF PETITIONS

Sir:

We, David Botstein, Audrey Goddard, David A. Lawrence, Diane Pennica, Margaret Ann Roy and William I. Wood, hereby say as follows:

1. An error in inventorship was made during the course of U.S. prosecution of the application resulting in the above patent by maintaining David Botstein, Audrey Goddard, David A. Lawrence and Margaret Ann Roy as co-inventors when the claims were amended during prosecution. We have no disagreement in regard to the change of inventorship proposed in the accompanying Petition to Correct Inventorship in the above-identified patent, i.e., to delete David Botstein, Audrey Goddard, David A. Lawrence and Margaret Ann Roy as co-inventors, and to name as actual inventors only Diane Pennica and William I. Wood.

2. The error in inventorship occurred without deceptive intention on our part.

Date: 1-8-03

By: 
David Botstein

Date: _____

By: _____
Audrey Goddard

Date: _____

By: _____
David A. Lawrence

Date: _____

By: _____
Diane Pennica

Date: _____

By: _____
Margaret Ann Roy

Date: _____

By: _____
William I. Wood



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**STATEMENT IN SUPPORT OF PETITION
TO CORRECT INVENTORSHIP IN PATENT UNDER 37 C.F.R. § 1.324(b)(2)**

Assistant Commissioner of Patents
Washington, D.C. 20231

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We, David Botstein, Audrey Goddard, David A. Lawrence, Diane Pennica, Margaret Ann Roy and William I. Wood, hereby say as follows:

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2. The error in inventorship occurred without deceptive intention on our part.

Date: _____

By: _____
David Botstein

Date: Jan. 9, 2003

By: Audrey Goddard
Audrey Goddard

Date: _____

By: _____
David A. Lawrence

Date: _____

By: _____
Diane Pennica

Date: _____

By: _____
Margaret Ann Roy

Date: _____

By: _____
William I. Wood

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Patent Docket P253C1

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Date: _____

By: _____
David Botstein

Date: _____

By: _____
Audrey Goddard

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FEB 03 2003

TECH CENTER 1600/2900

Date: 1/9/03

By: David A. Lawrence
David A. Lawrence

Date: _____

By: _____
Diane Pennica

Date: _____

By: _____
Margaret Ann Roy

Date: _____

By: _____
William I. Wood

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Date: _____

By: _____
David Botstein

Date: _____

By: _____
Audrey Goddard

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Date: _____

By: _____
David A. Lawrence

Date: 1-7-03

By: Diane Pennica
Diane Pennica

Date: _____

By: _____
Margaret Ann Roy

Date: _____

By: _____
William I. Wood

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Date: _____

By: _____
Audrey Goddard

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By: _____
David A. Lawrence

Date: _____

By: _____
Diane Pennica

Date: 1/8/03

By: 
Margaret Ann Roy

Date: _____

By: _____
William I. Wood

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Date: _____ By: _____
Audrey Goddard

Date: _____

By: _____
David A. Lawrence

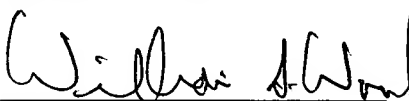
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By: _____
Diane Pennica

Date: _____

By: _____
Margaret Ann Roy

Date: 1/7/03

By: 
William I. Wood

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